IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 18097 of 2004

Between:

G.Brahmaiah, S/o.G.C.Nagaiah,SGT,
M.P.U.P.School, Murugammi, P.C.Pally Mandal, Prakasam Dist.

..... PETITIONER

AND

1 The Government of A.P., Education Department,Rep.by its Secretary, Secretariat, Hyderabad.
2 The Commissioner and Director of School Education, Saifabad, Hyderabad.
3 The District Educational officer, Ongole, Prakasam Dist.
4 K.Ananda Rama Rao, S/o.K.Radhakrishnaiah,District Educational Officer,Ongole, Prakasam Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, or order or direction more particularly one in the nature of writ of Mandamus by duly declaring the impugned proceedings No.746/A1/99 dated 11-06-2004 of the 3rd respondent as illegal, arbitrary and set aside the same including the orders passed by the Tribunal in O.A.NO.4534/2004 dated 12-08-2004 being unconstitutional and contrary to the judgment passed by the Hon'ble High Court in W.P.No.10586/1999 dated 28-8-2000 and consequently direct the respondents to continue the petitioner in the post of Secondary Grade Teacher with all incidental benefits.

Counsel for the Petitioner:MR.V.AJAY KUMAR
Counsel for the Respondents: GP FOR EDUCATION

The Court made the following Order at the stage of admission.

ORDER:(per Sri Justice Goda Raghuram)

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The petitioner filed O.A.No.4534 of 2004 assailing the orders of the third respondent herein dated 11-6-2004 terminating the petitioner from service in the post of Special Teacher. By the order impugned herein, the Tribunal has merely issued notice but did not grant an exparte ad-interim order as sought for by the petitioner. The discretion exercised by the Tribunal in declining to grant exparte ad-interim order, does not suffer from any infirmity warranting interference by invoking extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. After receipt of instruction from the respondents or on filing a counter affidavit, the Tribunal would consider whether an interim order should be granted to the petitioner. There are no merits in this writ petition.

The Writ Petition is, accordingly, dismissed.

JC,J

---------- GR,J

16-11-2004

Stp

To:

1.The Secretary,Education Department,The Government of Andhra Pradesh,Secretariat,Hyderabad.

2.The Commissioner and Director of School Education,Saifabad,Hyderabad.

3.The District Educational Officer, Ongole,Prakasam District.

4.Sri K.Ananda Rama Rao, District Educational Officer, Ongole,Prakasam District.

5.2 CCs to the Government Pleader for Education, High Court of A.P.,Hyderabad, (OUT).

6.2 CD copies

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THE HON'BLE MR JUSTICE J.CHELAMESWAR

and

THE HON'BLE MR JUSTICE GODA RAGHURAM

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